



REPORT TO THE PLANNING COMMISSION

To: Honorable Chairman and Members of the Planning Commission

From: Justin Kirk, Assistant Community Development Director

Prepared by: Damaris Abraham, Senior Planner

Date: October 6, 2020

Subject: Finding of Public Convenience or Necessity (PCN No. 2020-04) for the Kassab Travel Center Project

Applicant: Joseph Karaki, Karaki Western States Engineering, Inc.

Recommendation

Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, MAKING FINDINGS OF PUBLIC CONVENIENCE OR NECESSITY (PCN 2020-04) FOR THE SALE OF ALCOHOLIC BEVERAGES (TYPE 21 ABC) FOR OFF-SITE CONSUMPTION LOCATED AT APNS: 378-030-007 AND 009.

Background

On July 14, 2020, the City Council approved a Conditional Use Permit and a Commercial Design review applications to establish a new travel center consisting of an 8,360 square foot (SF) convenience store with concurrent sale of alcoholic beverages (Type 21 ABC) on an approximately 2.39 net acre site.

In accordance with the Business and Professions Code, Section 23958.4, the State of California Department of Alcoholic Beverage Control (ABC) has been granted the authority to deny an application for an ABC License if there is “undue concentration of licenses.” An “undue concentration” exists if the site for the license is deemed to be in a census tract where the ratio of on-sale or off-sale retail ABC licenses to population exceeds the ratio of on-sale or off-sale retail ABC licenses to population in the city in which the applicant premises are located. A license may still be issued, however, if the local agency determines that the public use or necessity would be served by issuance of the license.

Project Request and Location

The applicant is requesting approval of Public Convenience or Necessity No. 2020-04 for finding of Public Convenience or Necessity for concurrent sale of beer, wine, and distilled spirits for off-site consumption (ABC Type 21 License) within an approximately 8,360 sq. ft. convenience store and a gas station. The project is located at the southwest corner of Riverside Drive and Collier Avenue (APNs: 378-030-007 and 009).

Discussion

The travel center is comprised of a gas station, car wash, convenience store, and two quick service restaurants (Q.S.R.). Business operations will be twenty-four (24) hours a day, seven days a week. The number of employees needed to run operations of the travel center is estimated at twenty-five (25). The proposed liquor license is a type twenty-one (21) general off sale license, which will allow the sale of distilled spirits. The sale of alcoholic beverages will be incidental to the sale of other items and will account for only 10% percent of the business.

The store is located within Census Tract No. 430.05, which contains seven (7) off-premise alcohol establishment licenses. ABC guidelines only allows for two (2) off-premise alcohol establishments within this census tract. Before issuing a license, ABC requires a Public Convenience or Necessity finding from the local jurisdiction for alcohol sales establishments that are located within a census tract that is over concentrated with similar alcohol related uses. The PCN findings are included in the attached resolution satisfying ABC requirements and are summarized below:

1. The Project complies with the goals and objectives of the General Plan because it will assist in providing a service that serves to provide the full spectrum of commercial needs for a community in a commercial retail center.
2. The current zoning for the subject site is Commercial Manufacturing (C-M). The proposed service station is a permitted use in the C-M Zone. Establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverages are also subject to a Conditional Use Permit approval that include the requirements outlined in Section 17.112.090.O of the Lake Elsinore Municipal Code (LEMC) as conditions of approval. A Design Review (CDR 2016-17) and a Conditional Use Permit (CUP 2018-03) have been approved for the subject property ensuring that the project meets all the development standards of the C-M zone and the requirements outlined in Section 17.112.090.O of the LEMC were included in the conditions of approval.
3. The availability of alcohol with the sale of convenience store items allows customers to have readily available products in one location where they would otherwise be obliged to travel to other locations to further purchase their items; thus, the establishment of off-site alcoholic beverage sale serves a public convenience.
4. The proposed sale of alcohol would not be detrimental to the public health, safety, or welfare because the proposed store is located in a commercial area away from churches, schools, and residences. Security of alcohol will include the use of theft deterrent equipment and a floor plan that keeps alcohol shelves and coolers unobstructed for store management and staff and permits staff to monitor customers and reduce alcohol theft. The store will operate in compliance with the state's Alcohol Beverage Control Act, together with any conditions of the license that may be issued by ABC. Therefore, the granting of the permit will not be detrimental to public welfare and to other properties in the vicinity.

Based on the above findings, staff recommends that the Planning Commission make a finding of Public Convenience or Necessity for Grocery Outlet to sell beer, wine, and distilled spirits for off-site consumption (ABC Type 21 License) and authorize the Director of Community Development to issue the letter of Public Convenience and Necessity.

Exhibits

- A – PCN Resolution
- B – Statement of Operations
- C – Vicinity Map
- D – Aerial Map
- E – Floor Plan